MYSORE ACT No. IV OF 1910.

THE ADMINISTRATOR-GENERAL OF MADRAS (RECOGNITION) ACT, 1910.

(Received the assent of His Highness the Maharaja on the 1st day of December 1910.)

An Act to recognise the representative character of the Administrator-General of Madras.

Preamble.

WHEREAS the provisions of the Administrator-General's Act, 1874 (II of 1874), of the Governor-General of India in Council apply as a personal law only to British subjects in the [1][whole of the State of Mysore except Bellary District] and whereas it is expedient to make better provision for the recognition in the said territories of the representative title of the Administrator-General of Madras against all debtors of, and all persons holding property belonging to, deceased British subjects in the said territories; His Highness the Maharaja is pleased to enact as follows :—

Administrator-General competent to represent deceased British subjects in Mysore.

1. The Administrator-General of the Presidency of Madras as defined in the Administrator-General's Act, 1874 (II of 1874), shall be competent to represent a deceased British subject leaving assets in the [1][whole of the State of Mysore except Bellary District].

Probate or letters of Administration granted to Administrator-General to supersede the grant of letters of administration to certain other persons.

2. Where probate or letters of administration to any such deceased British subject have been duly granted to the Administrator-General of Madras, no person claiming merely as a creditor or a legatee other than a universal legatee or a friend of the deceased shall be entitled to letters of administration to the deceased, and letters of administration, if any, already granted to any such person shall be liable to be recalled and revoked at the instance of the said Administrator-General.

Effect of probate or letters of administration granted to the Administrator-General by the High Court of Judicature, Madras.

3. Probate or letters of administration granted by the High Court of Judicature at Madras to the Administrator-General of Madras shall have effect over all the property and estate, movable or immovable, of a deceased British subject in the [1][whole of the State of Mysore except Bellary District], and shall be conclusive as to the representative title of the said Administrator-General against all

1. See the Mysore Adaptation of Laws Order, 1953.

debtors of the deceased and all persons holding property therein which belongs to him, and shall afford full indemnity to all debtors paying their debts and all persons delivering up such property to the said Administrator-General.

High Court of Judicature at Madras deemed to be a Court of competent jurisdiction within the meaning of sections 187 and 190 of the Indian Succession Act.

4. So far as regards the Administrator-General of Madras, the High Court of Judicature at Madras shall be deemed to be a Court of competent jurisdiction within the meaning of sections 187 and 190 of the Indian Succession Act, 1865 (X of 1865), as applied to the territories of Mysore by Foreign Department Notification No. 203, dated the 23rd July 1868.

Probate or letters of administration granted by the High Court of Judicature at Madras deemed to be probate or letters within the meaning of the Succession Certificate Act.

5. Probate or letters of administration granted by the High Court of Judicature at Madras to the Administrator-General of Madras shall be deemed to be probate or letters of administration within the meaning of section 4, sub-section (b), clause (i), of the Succession Certificate Act, VII of 1901.

Administrator-General may sue and be sued in his representative character as such.

6. All suits and other proceedings commenced by or against the Administrator-General of Madras in his representative character in respect of property belonging to a deceased British subject in the [1][whole of the State of Mysore except Bellary District] may be brought by or against him by his name of office in the Courts of the said territories, and no suit or other proceeding heretofore or hereafter commenced by or against any person as the Administrator-General of Madras, either alone or jointly with any other person, shall abate by reason of the death, resignation or removal from office of the said Administrator-General, but the same may, by order of the said

1. See the Mysore Adaptation of Laws Order, 1963.

Courts and upon such terms as to the service of notices or otherwise as the Courts may direct, be continued by or against his successor immediately upon his appointment in the same manner as if no such death, resignation or removal had occurred :

Proviso.

Provided that nothing hereinbefore contained shall render any such successor personally liable for any costs incurred prior to the order for continuing the suit against him.

Creditor's suit against Administrator-General.

7. If any suit be brought in the Courts of the [1][whole of the State of Mysore except Bellary District] by a creditor against the Administrator-General of Madras in his representative character, the plaintiff shall be liable to pay the costs of the suit down to and including the decree, unless upon proof by affidavit or otherwise that not less than one month previous to the institution of the suit he had applied in writing to the said Administrator-General, stating the amount and other particulars of the claim and supporting the same by such evidence as, under the circumstances of the case, the Administrator-General was reasonably entitled to require, and that the Administrator-General had refused or neglected to register the claim according to the practice of his office.

If in any such suit judgment is pronounced in favour of the plaintiff, he shall, nevertheless, be only entitled to payment out of the assets of the deceased equally and rateably with other creditors.

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1. See the Mysore Adaptation of Laws Order, 1958.